

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

v.

CRIMINAL No. 2:19-cr-00235

JULIE M. WHEELER,

FINAL ORDER OF FORFEITURE

WHEREAS, the defendant, JULIE M. WHEELER, was charged in a single count Indictment in this case with a violation of 18 U.S.C. § 1347 (healthcare fraud). The Indictment also included a Notice of Forfeiture provision advising that the United States may seek a forfeiture money judgment in the amount of \$469,983.00, such amount constituting proceeds of or was derived from proceeds of the offense of conviction set forth in the Indictment;

WHEREAS, defendant appeared before this Court, with counsel, and pled guilty to the Indictment;

WHEREAS, under the terms of the plea negotiations with the United States, the defendant agreed to forfeit the following, pursuant to 18 U.S.C. §§ 981 and 982, and 28 U.S.C. § 2461(c):

A forfeiture money judgment in the amount of \$289,055.07,¹ which constitutes the proceeds of the count of conviction. Defendant stipulates that the United States may satisfy the money judgment via forfeiture of proceeds and/or substitute property as defined in 21 U.S.C. § 853(p). For purposes of forfeiture under § 853(p), Defendant stipulates that, as a result of acts or omissions of Defendant, one or more provisions of Section 853(p)(1)(A)-(E) are satisfied;

WHEREAS, Fed. R. Crim. P. 32.2(c)(1) provides that "no ancillary proceeding is required to the extent the forfeiture consists of a money judgment."

Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

A forfeiture money judgment shall be included in the defendant's sentence, and the United States may take steps to collect the judgment from any property of the defendant, provided, the value of any forfeited specific assets shall be credited toward satisfaction of this money judgment upon liquidation.

¹ The amount of the forfeiture money judgment listed in defendant's plea agreement is \$302,131.93. However, the parties have agreed that the money judgment will be in the amount of \$289,055.07.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. § 981 and 28 U.S.C. § 2461(c). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.

As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

ACCORDINGLY, based on the foregoing, the Court hereby

ORDERS that any and all interest of the defendant, JULIE M. WHEELER, in the item set out above, be and the same hereby is FORFEITED to the United States pursuant to 18 U.S.C. § 981 and 28 U.S.C. § 2461(c).

The Clerk is directed to send certified copies of this Order to counsel of record; to Special Agent J.T. Waggy, Federal Bureau of Investigation, P.O. Box 1956, Huntington, WV 25720; and to the U.S. Marshal's Service, ATTN: Jaime Cochran, 85 Marconi Boulevard, Rom 460, Columbus, Ohio 43215.

IT IS SO ORDERED this _____ day of _____, 2020.

ENTER:

JOHN T. COPENHAVER, JR.
Senior United States District Judge

ORDER PREPARED BY:

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